

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

August 30, 2012

9:00 A.M. ROLL CALL

Invocation by Dr. Jason Locke of the College Church of Christ

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "IT CAN WAIT – NO TEXTING WHILE DRIVING PLEDGE DAY" – Council President Olivier and AT&T

Proclamation of "HUNGER ACTION MONTH" – Mayor's Office

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of August 23, 2012

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act Guidelines for minor alterations to various leased concession spaces at Fresno Yosemite International Airport by Hudson News Company, DBA Hudson Group – Airports Department

Action Taken:

1. Authorize Director of Aviation to execute Amendment No. 1 to Concession Agreement between Hudson News Company, DBA Hudson Group and the City of Fresno for improvements to all three (3) leasehold areas at Fresno Yosemite International Airport, and extend the lease term

Action Taken:

- B. **RESOLUTION** - Of intention to annex Final Tract Map No. 5597, Annexation No. 46, to City of Fresno Community Facilities District No. 11 and authorize the levy of special taxes (*Property located in District 2*) (northeast corner of N. Garfield and W. Barstow Avenues) – Public Works Department

Action Taken:

- C. Actions pertaining to one (1) public street easement from a portion of one (1) parcel for the construction of a new street from Hughes/West Diagonal Avenue north of 180 Freeway to Marks Avenues and along the N. Hughes Avenue (*Property located in District 3*) – Public Works Department

1. Adopt Environmental Findings contained in staff report and consider and adopt the Environmental Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration for Plan Amendment No. A-09-02 (Air Quality MND), prepared for Environmental Assessment No. EA-11-020

Action Taken:

2. Approve the acquisition of one (1) public street easement from a portion of one (1) parcel (APN 458-050-35) of property owned by Bill Richardson, in the amount of \$90,750, for the construction of a new street from Hughes/West Diagonal Avenue north of 180 Freeway to Marks Avenues and along the N. Hughes Avenue for the installation of traffic signals, street lights, sidewalks, curb and gutter, drive approaches, water lines, sewer lines, and storm drain

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- D. Actions pertaining to the acquisition of one (1) public street easement from a portion of one (1) parcel for the construction of a new street from Hughes/West Diagonal Avenue north of State Route 180 to Marks Avenues and along the N. Hughes Avenue **(Property located in District 3)** – Public Works Department
1. Adopt Environmental Findings contained in staff report and consider and adopt the Environmental Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration for Plan Amendment A-09-02 (Air Quality MND), prepared for Environmental Assessment No. EA-11-020
Action Taken:
 2. Approve the acquisition of one (1) public street easement from a portion of one (1) parcel (APN 458-080-47) of property owned by Jagroop S. Gill as trustee under the Jagroop S. Gill and Rupinder K. Gill Revocable Living Trust Agreement dated May 6, 2010, in the amount of \$167,200, for the construction of a new street from Hughes/West Diagonal Avenue north of State Route 180 to Marks Avenues and along the N. Hughes Avenue for the installation of traffic signals, street lights, sidewalks, curb and gutter, drive approaches, water lines, sewer lines, and storm drain
Action Taken:
- E. Actions pertaining to the acquisition of one (1) public street easement from a portion of one (1) parcel for the construction of a new street from Hughes/West Diagonal Avenue north of 180 Freeway to Marks Avenues and along the N. Hughes Avenue **(Property located in District 3)** – Public Works Department
1. Adopt Environmental Findings contained in Staff Report and consider and adopt the Environmental Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration for Plan Amendment A-09-02 (Air Quality MND), prepared for Environmental Assessment No. EA-11-020
Action Taken:
 2. Approve the acquisition of one (1) public street easement from a portion of one (1) parcel (APN 458-060-53) of property owned by Robert Ellsworth Construction Company, a California Corporation, in the amount of \$500, for the construction of a new street from Hughes/West Diagonal Avenue north of 180 Freeway to Marks Avenues and along the N. Hughes Avenue for the installation of traffic signals, street lights, sidewalks, curb and gutter, drive approaches, water lines, sewer lines, and storm drain
Action Taken:
- F. Actions pertaining to the acquisition of one (1) public street easement from a portion of one (1) parcel for the construction of a new street from Hughes/West Diagonal Avenue north of 180 Freeway to Marks Avenues and along the N. Hughes Avenue **(Property located in District 3)** – Public Works Department
1. Adopt Environmental Findings contained in Staff Report and consider and adopt the Environmental Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration for Plan Amendment No. A-09-02 (Air Quality MND), prepared for Environmental Assessment No. EA-11-020
Action Taken:
 2. Approve the acquisition of one (1) public street easement of one (1) full parcel (APN 458-080-49) of property owned by Jagroop S. Gill as trustee under the Jagroop S. Gill and Rupinder K. Gill Revocable Living Trust Agreement dated May 6, 2010, in the amount of \$66,000, for the construction of a new street from Hughes/West Diagonal Avenue north of State Route 180 to Marks Avenues and along the N. Hughes Avenue for the installation of traffic signals, street lights, sidewalks, curb and gutter, drive approaches, water lines, sewer lines, and storm drain
Action Taken:
- G. * Approve the City of Fresno policy for reduction/cancellation of homebuyer assistance loans for voluntary and involuntary sale of properties assisted with state and/or federal funds, and delegate authority to the City Manager, or designee, to approval all transactions and to execute all required program documents – Development and Resource Management Department
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- H. Actions related to the use of HOME Program Funds for the rehabilitation and resale of property located at 386 N. Park: *(Property located in District 3)* - Development and Resource Management Department
1. Approve the use of HOME Program funds for rehabilitation of a City-owned vacant single family home located at 386 N. Park Avenue, Fresno, CA 93701 (APN: 459-144-24), in the maximum amount of \$85,000
Action Taken:
 2. Approve the Mutual Agreement between the City of Fresno and the State Center Community College District to provide the property as a Community Classroom Site and provide materials and permits for vocational training as part of the rehabilitation of the home
Action Taken:
 3. Approve the template rehabilitation contract to be utilized for general contracting work; and Authorize the City Manager, or designee, to execute all necessary program documents for the rehabilitation and resale of the property, subject to City Attorney approval to form
Action Taken:
- I. Approve addendum to Environmental Assessment No. C-10-129; and, approve purchase agreement for acquisition of one (1) parcel for the amount of \$51,000 from owners: Roy Arthur Hines and Noemi Z. Hines, to expand a City well lot for the construction a new water supply well on 415 E. San Jose Avenue *(Property located in District 4)* – Department of Public Utilities
Action Taken:
- J. Adopt Resolution of Intention No. 1093-D to vacate Sacramento Street northeast of the Fulton-Van Ness alley and setting the hearing for 1:00 p.m. on September 20, 2012 *(Property located in District 3)* – Public Works Department
Action Taken:
- K. Affirm the Development and Resource Management Department (DARM) Director's adoption of a Finding of Conformity with Master Environmental Impact Report (MEIR) NO. 10130/MND for Plan Amendment No. A-09-02 prepared for Environmental Assessment No. C-12-006 *(Property located in District 3)* – Public Works Department
Action Taken:
1. **RESOLUTION** - Ordering the summary vacation of the "N"- "O" Alley northwest of Tulare Street
Action Taken:
- L. Award a requirements contract to Prudential Overall Supply of Fresno, California for linen and dust control services – Finance Department/Purchasing Division
Action Taken:
- M. Approve contract with Mobility Planners of Grass Valley, CA in the amount of \$249,695 to prepare the Fresno County Public Transportation Gap Analysis and Service Coordination Plan - Transportation Department
Action Taken:
- N. Approve the appointment of Jeff Beatty to the General Service Employees' Retirement Board – Mayor's Office
Action Taken:

CONTESTED CONSENT CALENDAR

GENERAL ADMINISTRATION

- A. Award a contract in the amount of \$329,730 for Professional Information Services for the Department of Public Utilities to Jeffrey Scott Advertising – Department of Public Utilities
Action Taken:
- B. Actions pertaining to the Shaw Avenue Intelligent Transportation Systems (ITS) (State Route 41 to State Route 168) Project (***Property located in District 4***) – Public Works Department
1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Sections 15301, 15303 and 15304 of the CEQA Guidelines, for the Shaw Avenue Intelligent Transportation Systems (ITS) (State Route 41 to State Route 168)
Action Taken:
 2. Award a contract in the amount of \$2,479,789 to Flatiron Electric Group, Inc. of Chino, California for the base bid and the additive alternate of the Shaw Avenue Intelligent Transportation Systems (ITS) (State Route 41 to State Route 168) Project
Action Taken:

CITY COUNCIL

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M. **HEARING** to consider Plan Amendment Application No. A-12-001 and related Environmental Assessment No. A-12-001 to amend the Fresno Yosemite International Airport Land Use Compatibility plan, pertaining to approximately 6,608 acres of urbanized land on and around the Fresno Yosemite International Airport (***Property located in Districts 4, 5 and 7***) – Development and Resource Management Department
Action Taken:
1. Adopt Environmental Assessment EA. No. A-12-001 for a Mitigated Negative Declaration (State Clearinghouse No. 2012041005) dated March 29, 2012.
Action Taken:
 2. **RESOLUTION** - Amending the Hoover, McLane, and Roosevelt Community Plans and the 2025 Fresno General Plan (Plan Amendment Application No. A-12-001);
Action Taken:
 3. **BILL – (For introduction and adoption)** - Amending the Fresno-Yosemite International Airport Land Use Compatibility Plan (A Specific Plan), the Hoover, McLane, and Roosevelt Community Plans, and the 2025 Fresno General Plan
Action Taken:
- 10:15 A.M. **CONTINUED HEARING** to consider approval of the Public Works Director's recommendation to consolidate Urban Growth Management (UGM) oversize sewer service areas No. 1-44 into a single UGM area-wide oversize sewer service area (***Property located in Districts 1 – 6***) – Public Works Department
Action Taken:
1. Affirm Council's environmental finding of exemption from CEQA, pursuant to Section 15061(b)(3) of the CEQA Guidelines which exempts projects that clearly will have no significant effect on the environment
Action Taken:
 2. **RESOLUTION** - Approving the Director's recommendation to consolidate the UGM Oversize Sewer Service Areas No. 1-44 into a single UGM Area-wide Oversize Sewer
Action Taken:

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Michael Manfredi v. City of Fresno, et al.; Fresno County Superior Court Case No.: 08CECG03094DRF
- Action Taken:**

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Sept. 6 - | | NO MEETING – COUNCIL VACATION |
| Sept. 13 - | | NO MEETING – COUNCIL VACATION |
| Sept. 20 - | 1:00 P.M. | HEARING to adopt a resolution ordering the vacation of Sacramento Street northeast of the Fulton-Van Ness alley (<i>Property located in District 3</i>) |
| Sept. 27 - | 10:00 A.M. | HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 46 (Final Tract Map No. 5597)(Property located in District 1) (Northeast corner of N. Garfield and W. Barstow Avenues) |
| Oct. 3 | (WEDS) 2:00 P.M. | Presentation of Employee Service Awards (<i>to be held in the Council Chambers</i>) (<i>Reception immediately following – 2nd floor foyer</i>) |